REMARKS

In accordance with the foregoing, the specification and claims 13-20 are amended and claims 21-28 are added. No new matter is added. Claims 1-12 remain cancelled. Claims 13-28 are pending and under consideration.

INTERVIEW WITH THE EXAMINER

Applicants wish to thank the Examiner for the courtesy of an interview granted to Applicants' representative on October 7, 2008, at which time the outstanding issues in this case were discussed. Arguments similar to the ones developed hereinafter were presented and the Examiner suggested that the Applicants further clarify the claimed features and indicated that she would reconsider the outstanding grounds for rejection upon formal submission of a response.

CLAIM REJECTIONS UNDER 35 U.S.C. §101

Claims 17-20 are rejected under 35 U.S.C. §101 because the "computer readable medium" when interpreted in light of the specification appeared to encompass non-statutory subject matter besides the intended statutory type. Applicants amend the specification herewith in order to remove any reference that would suggest that the claims are directed to non-statutory subject matter. No new matter is added.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 13, 14, 17, and 18 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2004/0119759 to Barros (hereinafter "Barros") and U.S. Patent No. 6,587,784 to Okude et al. ("Okude").

The claims are amended herewith to clarify the claimed subject matter.

Claim 13 is directed to a data display device with an obtaining unit and a display control unit.

Barros discloses a display control and information management system that integrates layered and slotted formatted data from both local and remote sources (See Barros' Abstract). Okude discloses a stereoscopic map-display method of displaying a scene on a display screen corresponding to a perspective map generated by viewing map elements in a displayed area, which is set based on a position of a moving body or a position designated by a user, from a predetermined view point.

The Office Action alleges that Barros anticipates the obtaining unit of claim 13. However, Barros teaches in FIG. 4 and paragraph [0082] that the symbol, pattern, and color for "AA" attribute are determined from the topical Database 203 illustrated in FIG. 4 of Barros. Thus, in Barros, the appearance attribute AA is determined by merely selecting the symbol, pattern, and color related to "AA" attribute from the Topical Database 203. Thus Barros does not teach obtaining at least one of a fill area and a number of colors for data of "AA" attribute.

Additionally the Office Action relies on Okude to argue that the "number of data objects" is rendered obvious by Okude's disclosure, but such a recitation was not present in the claims.

During the interview, the Examiner expressed the opinion that the term "distinguishes" is vague and encouraged Applicants to more clearly recited the inventive features in the claims.

Claims 13 is amended herewith to clarify that the display control unit "alters an appearance of at least one data object of the plurality of data objects to be displayed as a fill area depending on at least one of the fill area and the number of colors obtained by the obtaining unit as the appearance characteristic, in order to distinguish among different data objects, and displays the plurality of data objects." As shown in a non-limiting embodiment in the specification, paragraph [0027] on page 5, under the "FILL" subheading, appearance (i.e. transparency) of a data object represented as a fill area, in the same manner as at least one other data object (since one object has the "highest fill area and number of colors" it must exist at least one other object of the same type a smaller fill area and number of colors) is altered according to the "fill and number of colors" obtained by the appearance property unit. None of the cited references anticipates or renders obvious such a feature.

In particular, the paradigm in Barros does not apply in the framework recited in claim 13. In Barros a user selects representations – symbol, color, pattern – for data to be displayed. The device in claim 13 has to display data "in a predetermined manner." Thus, the obtaining unit of the data display device in claim 13 obtains the appearance characteristics ("the fill area and the number of colors being an appearance characteristic of each data object") for a plurality of objects. As discussed in the background section if the objects would be than just displayed it would be hard to distinguish among them due to overlap. Therefore, the display control unit "alters appearance of at least one data object of the plurality of data objects [...] in order to distinguish among different data objects." In Barros the appearance of the objects is selected, and, thus, no need to alter appearance occurs, in contrast to claim 13 where given the "predetermined data display manner", objects appearance need to be altered in order to distinguish different objects.

Thus, claim 13 patentably distinguishes over the prior art by reciting "an obtaining unit that obtains at least one of a fill area and a number of colors for a plurality of data objects to be displayed as a filled area" and "a display control unit that alters an appearance of at least one data object of the plurality of data objects to be displayed as a fill area depending on at least one of the fill area and the number of colors obtained by the obtaining unit as the appearance characteristic, in order to distinguish among different data objects."

Based on the above discussion, amended independent **claim 17** patentably distinguishes over the cited prior art references at least by reciting "obtaining at least one of a fill area and a number of colors for a plurality of data objects to be displayed as an area filled, the fill area and the number of colors being an appearance characteristic of each data object" and "altering an appearance of at least one data object of the plurality of data objects to be displayed as a fill area depending on at least one of the fill area and the number of colors obtained by the obtaining unit as the appearance characteristic, in order to distinguish among different data objects, and displaying the plurality of data objects."

Claims 14 is amended herewith to clarify that the display control unit "alters an appearance of at least one data object of the plurality of data objects to be displayed as plots depending on the number of plots obtained by the obtaining unit as the appearance characteristic, in order to distinguish among different data objects, and displays the plurality of data objects." As shown in a non-limiting embodiment in the specification, paragraph [0027] on page 5, under the "PLOT" subheading, appearance (i.e. transparency) of a data object represented as a plot, in the same manner as at least one other data object (since one object has the "largest number of plots" it must exist at least one other object of the same type with a lower number of plots) is altered according to the "number of plots" obtained by the appearance property unit. None of the cited references anticipates or renders obvious such a feature.

Amended claim 14 patentably distinguishes over the cited prior art at least by reciting "an obtaining unit that obtains a number of plots for a plurality of data objects to be displayed as plots" and "a display control unit that alters an appearance of at least one data object of the plurality of data objects to be displayed as plots depending on the number of plots obtained by the obtaining unit as the appearance characteristic, in order to distinguish among different data objects."

Similarly, amended **claim 18** patentably distinguishes over the prior art by reciting "obtaining a number of plots for a plurality of data objects to be displayed as plots" and "altering an appearance of at least one data object of the plurality of data objects to be displayed as plots

depending on the number of plots obtained by the obtaining unit as the appearance characteristic, in order to distinguish among different data objects."

Claims 15 and 19 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barros and Okude in view of U.S. Patent Application Publication No. 2005/0052462 to Sakomoto et al. ("Sakomoto").

Relative to independent **claim 15**, on page 7, the Office Action asserts that "Barros teaches the limitations of claims 15 and 19 with the exception of teaching line contours." Applicants respectfully disagree. In particular, Barros, Okude and Sakomoto, alone or in combination do not disclose or render obvious "an obtaining unit that obtains a number of lines of a contour line for each of a plurality of data objects to be displayed on a display as contour lines" as recited in claim 15. None of the symbol, color and pattern features of an attribute AA Barros corresponds or render obvious the number of lines of a contour line.

Claim 15 is amended herewith to clarify that the "a display control unit that alters an appearance of at least one data object of the plurality of data objects to be displayed as contour lines depending on the number of lines obtained by the obtaining unit as the appearance characteristic, in order to distinguish among different data objects." The claim amendment is fully supported by the specification, for example, paragraph [0027] on page 5, the "LINE CONTOUR" subheading.

Claim 15 patentably distinguishes over the prior art at least by reciting "an obtaining unit that obtains a number of lines of a contour line for each of a plurality of data objects to be displayed on a display as contour lines" and "a display control unit that alters an appearance of at least one data object of the plurality of data objects to be displayed as contour lines depending on the number of lines obtained by the obtaining unit as the appearance characteristic, in order to distinguish among different data objects."

Similarly, amended **claim 19** patentably distinguishes over the prior art at least by reciting "obtaining a number of lines of a line contour for each of a plurality of data objects to be displayed on a data display as contour lines" and "altering an appearance of at least one data object of the plurality of data objects to be displayed as contour lines depending on the number of lines obtained by the obtaining unit as the appearance characteristic, in order to distinguish among different data objects."

Claims 16 and 20 are rejected under U.S.C. §103(a) as allegedly being unpatentable over Barros and Okude in view of U.S. Patent No. 6,658,375 to McQuarrie et al. ("McQuarrie") and U.S. Patent Application Publication No. 2005/0099321 to Pearce ("Pearce").

Relative to independent **claim 16**, on page 8, the Office Action asserts that "Barros

teaches the limitations of claims 16 and 20 with the exception of teaching vector lines."
Applicants respectfully disagree. In particular, Barros, Okude, McQuarie and Pearce, alone or in
combination, do not disclose or render obvious "an obtaining unit that obtains a number of vector
lines for each of a plurality of data objects to be displayed as vector lines" as recited in claim 16.
None of the symbol, color and pattern features of an attribute AA in Barros corresponds or
render obvious the number of vector lines.

Claim 16 is amended herewith to clarify that the "a display control unit that alters an
appearance of at least one data object of the plurality of data objects to be displayed as vector
lines depending on the number of vector lines obtained by the obtaining unit as the appearance
characteristic, in order to distinguish among different data objects." The claim amendment is fully
supported by the specification, for example, paragraph [0027] which begins on page 5, but see
on page 6 the "VECTOR" subheading.

Claim 16 patentably distinguishes over the prior art at least by reciting "an obtaining unit
that obtains a number of vector lines for each of a plurality of data objects to be displayed as
vector lines" and "a display control unit that alters an appearance of at least one data object of
the plurality of data objects to be displayed as vector lines depending on the number of vector
lines obtained by the obtaining unit as the appearance characteristic, in order to distinguish
among different data objects."

Similarly, amended **claim 20** patentably distinguishes over the prior art at least by reciting
"obtaining a number of vector lines for a plurality of data objects to be displayed as vector lines"
and "altering an appearance of at least one data object of the plurality of data objects to be
displayed as vector lines depending on the number of vector lines obtained by the obtaining unit
as the appearance characteristic, in order to distinguish among different data objects."

NEW CLAIMS

New claims 21-24 depending each respectively from claims 13-16 specify that "the
display control unit alters the appearance of at least one data object by modifying a transparency
value for the at least one data object." New claims 25-28 depending each respectively from
claims 17-20 specify that "the appearance of at least one data object is altered by modifying a
transparency value for the at least one data object." The claims are supported by the originally
filed specification, for example, paragraph [0027] on pages 5-6.

None of the cited prior art references anticipates or renders obvious the features recited
in the new claims. Thus, new claims 21-28 are patentable by inheriting patentable features from
claims 13-20 from which they respectively depend and by reciting new features.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _Oct 14, 2008_   By: _____

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